

अण्डमान तथा
Andaman And



निकोबार राजपत्र
Nicobar Gazette

असाधारण

EXTRAORDINARY

प्राधिकार से प्रकाशित

Published by Authority

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No. 05, Port Blair, Monday, January 17, 2018

अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
सचिवालय / SECRETARIAT

NOTIFICATION

Port Blair, dated the 17th January, 2018.

No. 05/2018/F. No. 34-714/2011-Rev.— Whereas, certain Draft Rules further to amend the Andaman & Nicobar Islands Land Revenue & Land Reforms Rules, 1968 issued vide Notification No. 34-714/2011-Rev. dated 11th July, 2016 was published as required by Sub-Section (1) of Section 210 of the Andaman & Nicobar Islands Land Revenue & Land Reforms Regulations, 1966 (No. 2 of 1966) in the Andaman & Nicobar Gazette Extraordinary issue dated 11.07.2016 inviting objection and suggestion from all persons likely to be effected thereby.

And, whereas, objection and suggestion received on the proposed Draft Rules within the period as so specified under the said Notification have been carefully considered and Andaman & Nicobar Islands Land Revenue & Land Reforms (Amendment) Rules, 2016 has been notified vide Notification No. 154/2017/F.No. 34-714/2011-Rev. dated 26/07/2017.

Now, in exercise of the powers conferred by Section 210 of the A & N Islands Land Revenue and Land Reforms Regulation, 1966 (No. 2 of 1966), Lt. Governor (Administrator), Andaman & Nicobar Islands in supersession of Notification No. 154/2017/F.No. 34-714/2011-Rev. dated 26/07/2017 hereby make the following Rules further to amend the A & N Islands Land Revenue & Land Reforms Rules, 1968, namely:-

AMENDMENTS

Short title and commencement. 1. (i) These rules may be called the Andaman & Nicobar Islands Land Revenue & Land Reforms (Amendment) Rules, 2017.

(ii) They shall come into force on the date of its publication in the official Gazette.

2. The Andaman & Nicobar Islands Land Revenue and Land Reforms (Amendment) Rules, 2016 shall be repealed.

3. Sub-Rule (2) & (3) of Rule 4 (A) of the Andaman & Nicobar Islands Land Revenue and Land Reforms Rules, 1968 (hereafter called Principal Rule), shall be substituted as follows: -

i. The Sub-Divisional Officer shall cause an enquiry to be made and shall, unless he rejects the application for reasons to be recorded in writing, may divert the land upto 500 Sq. mtrs. or forward the application alongwith enquiry report and his own recommendation to the Land Use Committee.

ii. All cases above 500 Sq. Mtrs. with the approval of the Land Use Committee to be constituted by the Administrator.

The composition of the Committee shall be:-

(a) Chief Secretary	-Chairman
(b) Principal Chief Conservator of Forests	-Member
(c) Principal Secretary/Secretary (Revenue)	-Member
(d) Secretary (Tourism)	-Member
(e) Principal Secretary/Secretary (UD)	-Member
(f) Deputy Commissioner of area concerned	-Member
(g) Country & Town Planner	-Member
(h) Deputy Secretary (Rev.)/ Assistant Secretary (Rev.)	-Member Secretary

Further, the diversion will be subjected to the following conditions:-

- a. Wherever the Master Plan is notified under Andaman & Nicobar Islands Town and Country Planning Regulation, 1994, the land diversion shall be guided by the approved land use prescribed therein.
- b. The tenant should compulsorily develop the land/project in full shape, as per the Detailed Project Report (DPR) submitted at the time of applying for diversion within a period of 03 years from the date of diversion.

If the applicant fails to do so, then penalty (as notified separately for different areas of the Islands by the Administration), shall be imposed by the SDO immediately on the date of lapse of window period, and recorded as encumbrance in the land records (ROR) till the tenant clears his dues. The penalty will increase on year to year basis, by 100% :

Provided that change of land use shall not be permissible for land held under non-occupancy tenancy or under grant beyond the limit of Port Blair Municipal Council; and :

Provided further that if a group of people purchase any agriculture land for housing purpose jointly and later form housing Co-operative Society, each of such purchaser shall be treated as single tenant of his share on such holding and his case shall be considered for diversion of such share of land into house site limited to 500 Sq. Mtrs. treating him as an individual tenant within the meaning of Sub-Section (29) of Section 2 of Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966.

Save as otherwise provided in the A & N Land Revenue and Land Reforms Regulation, 1966 an appeal shall lie from every original order passed under this notification:

- a) If such order is passed by the Sub-Divisional Officer shall be appealable before the Deputy Commissioner concerned.
 - b) If such order is passed with the approval of Land Use Committee shall be appealable before the Hon'ble Lt. Governor".
4. Sub-Rule 4 of Rule 4 (A) shall be deleted.
 5. Provision clause to Principal Rule 40 shall be deleted.
 6. Clause (a) of Rule 48 shall be substituted as below:-
 - (a) with an area of less than 200 Sq. Mtrs. if the land is use for the purpose of agriculture.
 7. After Sub-Rule (1) of Rule 133 of the Principal Rule, the following provision shall be added.

"Provided that the Khatuni or the holding register prepared electronically in the record of right format shall also be the Record of Right for all purposes".
 8. Clause (a) (b) & (c) of Sub-Rule 1 of Rule 138 shall be substituted as below:-

- a. Inspection-Rs. 50 per half an hour or part thereof.
 - b. Copies of entries in land records and record of right-Rs. 50 per entry.
 - c. Copies of field map-Rs. 50 per survey number or part thereof.
9. Rule 168(A) of the Principal Rule shall be substituted as under:-
- “Permission under Sub-Section 9 of Section 159, to a licensee to transfer his interest in any non-agriculture land being a house site shall not be granted, unless the following conditions are satisfied, namely:-
- (a) The licensee concerned shall not be a defaulter in payment of any Government dues.
 - (b) The applicant shall not transfer the land within 10 years from the date of diversion. If the applicant wants to transfer the interest of land without executing the project/plan or within 10 years from the date of conversion then the advantage of land conversion shall not be transferable and the land shall be transferred on with its original land classification.
 - (c) The licensee should not have in his possession any area of land in excess of the area which was actually allotted to him i.e. he shall not be an encroacher. Permission to an encroacher shall be granted on after duly vacated; and
10. Form A prescribed under Rule 4(A) appended with the Principal Rule shall be substituted as under:-

FORM A
(See Rule 4A)

Application for permission to divert land in any holding for alternative use.

To

Sub-Divisional Officer

..... Sub-Division

Sir,

I hold land measuring..... hect./square meters in Survey No.(s)..... of revenue village..... as an occupancy tenant/non-occupancy tenant grantee/licensee.

2. I have the right to use the land referred to above for purpose of agriculture/as site for dwelling house/for industrial or commercial purpose/for purposes other than agricultural purpose, house site or industrial or commercial purpose.
3. I, however, intend to use land measuring hectre./sq. mtrs. out of the aforesaid holding for purpose of
4. The land is not well suited for agricultural purpose/I have the right of occupancy in the holding/if permission sought below is rented to me I shall still be left with..... hect. of land in my holding/the lands adjacent to my holding in its vicinity are current being used for...../...../ there is no reason why the permission sought be denied to me in view of town and country planning consideration.
5. In enclose herewith:-
 - 1) The original documents relating to my title to hold the aforesaid lands, and

- 2) A statement indicating details of intended alternative use of land for which permission is being sought by me and my capacity to incur necessary investment expenditure in putting the land to immediate and efficient use as intended by me.
- 3) Copy of Aadhaar Card and Pan Card.
6. I do hereby undertake that I shall not transfer the land within 10 years from the date of diversion. However, I may be allowed to transfer the interest with converted land within 10 years period from the date of conversion if the proposed project is executed. I further undertake that in the event of transfer the interest of land without executing the project/plan or within 10 years from the date of conversion then the advantage of land conversion shall not be allowed/transferable and the land shall be transferred only with its original land classification.
7. I hereby undertake that if I fail to execute/put to use the land as per the plan submitted at the time of conversion, then the nature of land use shall be reverted back to the original classification (classification in the Record of Right before its diversion) by default on expiry of 03 years period from the date of diversion. I further undertake that I shall not claim for any compensation.
8. I request that I may be permitted to divert the land referred i.e. in para 3 above for purpose stated therein.

Yours faithfully

Signature :

Name of the Applicant.....

Admiral (Retd.) D.K. Joshi
Lt. Governor, Andaman & Nicobar Islands.

By order and in the name of the Lt. Governor, A & N Islands.

Sd./-
(B.S. Valsala)
Assistant Secretary (Revenue)
A & N Administration